Remarks

Claims 1-45 are now pending in this application. Claims 1, 7, 9, 13-15, 17-20, 22, 25, and 30-45 have been amended. No new matter has been added. Claims 1-45 are rejected.

The provisional rejections of Claims 1-13 and 30-33 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-16 in copending U.S. Patent Application No. 09/681,393, of Claims 14-18 and 34-38 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 17-29 in the copending U.S. Patent Application, and of Claims 25-29 and Claims 42-45 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 30-35 in the copending U.S. Patent Application, is respectfully traversed. Claims 1-35 of the copending U.S. Patent Application have not issued in a U.S. Patent. For at least the reasons given above, Applicants respectfully request that the provisional double patenting rejections of Claims 1-13 and 30-33, Claims 14-18 and 34-38, and Claims 25-29 and Claims 42-45 be withdrawn.

The rejection of Claims 1-3, 5, 6, 9-11, 13-19, 22, 23, and 25-28 under 35 U.S.C. § 103(a) as being unpatentable over the service MatchMaker$^{(SM)}$, referred to as Matchmaker$^{(SM)}$, offered by www.grainger.com in view of "Manufacturing Marketplace opens for business on the WWW", referred to as Manufacturing Marketplace, is respectfully traversed.

Applicants assume that Claims 7, 8, 12, 20, 21 are rejected as being unpatentable over MatchMaker$^{(SM)}$ in view of Manufacturing Marketplace because the Office Action states on page 5, "Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store any data in the fields of the catalog – whether for a lamp, motor, air-conditioning unit or otherwise – for use in the product-finding Matchmaker$^{(SM)}$ system, as shown in Grainger, because such data does not functionally relate to the selection tool itself and merely

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labeling the data differently from that in the prior art would have been obvious matter of design choice...A similar analysis applies to claims 7, 8, 12, 20 and 21."

MatchMaker[SM] describes a standard search. The standard search includes selecting a search category from a pull-down box, entering a product description, Grainger item number, or manufacturer model number in the text box, clicking "Find it!", seeing a product or a list of products that match search criteria, and clicking on the item number for obtaining more information about any one product/item (page 2).

Manufacturing Marketplace describes a service that guides through a series of questions with multiple choices (page 1). After making selections, a finder will search a product database for any matching products, which will then be displayed (page 1).

Claim 1 recites a method for production selection assistance, the method including "receiving a product category selection; matching the product category selection against a product database to determine a plurality of matched products; displaying a product matrix comprising a product entry for each of the matched products, each product entry comprising a model identifier and at least one product configuration parameter associated with the matched products; presenting a product configuration question relating to the at least one product configuration parameter displayed in the product matrix; receiving a product configuration answer; and responsively updating the product matrix based on the product configuration answer to eliminate at least one product entry in the product matrix."

Neither MatchMaker[SM] nor Manufacturing Marketplace, considered alone or in combination, describe or suggest a method for production selection assistance, the method including receiving a product category selection, matching the product category selection against a product database to determine a plurality of matched products, displaying a product matrix including a product entry for each of the matched products, each product entry including a model identifier and at least one product configuration parameter associated with the matched products,

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presenting a product configuration question relating to the at least one product configuration parameter displayed in the product matrix, receiving a product configuration answer, and responsively updating the product matrix based on the product configuration answer to eliminate at least one product entry in the product matrix.

Moreover, neither MatchMaker[SM] nor Manufacturing Marketplace, considered alone or in combination, describe or suggest presenting a product configuration question relating to the at least one product configuration parameter displayed in the product matrix. Rather, MatchMaker[SM] describes seeing a product or a list of products that match search criteria, and Manufacturing Marketplace describes guiding through a series of questions with multiple choices and after making selections, searching a product database for any matching products. Accordingly, Matchmaker[SM] and Manufacturing Marketplace, alone or in combination, do not teach presenting a question related to a parameter displayed in a matrix. For the reasons set forth above, Claim 1 is submitted to be patentable over MatchMaker[SM] in view of Manufacturing Marketplace.

Claims 2, 3, and 5-13 depend from independent Claim 1. When the recitations of Claims 2, 3, and 5-13 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2, 3, and 5-13 likewise are patentable over MatchMaker[SM] in view of Manufacturing Marketplace.

Claim 14 recites a product selection assistance tool including "a communication interface; a processing circuit coupled to the communication interface; and a memory coupled to the processing circuit, the memory storing, for execution by the processing circuit, instructions for receiving a product category selection over the communication interface; matching the product category selection against a product database to determine a plurality of matched products; displaying a product matrix comprising a product entry for each of the matched products, each product entry comprising a model identifier and at least one product configuration

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parameter associated with the matched products; presenting a product configuration question related to the at least one product configuration parameter displayed in the product matrix; receiving a product configuration answer; and responsively updating the product matrix based on the product configuration answer to eliminate at least one product entry in the product matrix."

Neither MatchMaker$^{(SM)}$ nor Manufacturing Marketplace, considered alone or in combination, describe or suggest a product selection assistance tool including a communication interface, a processing circuit coupled to the communication interface, and a memory coupled to the processing circuit, the memory storing, for execution by the processing circuit, instructions for receiving a product category selection over the communication interface, matching the product category selection against a product database to determine a plurality of matched products, displaying a product matrix comprising a product entry for each of the matched products, each product entry comprising a model identifier and at least one product configuration parameter associated with the matched products, presenting a product configuration question related to the at least one product configuration parameter displayed in the product matrix, receiving a product configuration answer, and responsively updating the product matrix based on the product configuration answer to eliminate at least one product entry in the product matrix.

Moreover, neither MatchMaker$^{(SM)}$ nor Manufacturing Marketplace, considered alone or in combination, describe or suggest instructions for presenting a product configuration question related to the at least one product configuration parameter displayed in the product matrix. Rather, MatchMaker$^{(SM)}$ describes seeing a product or a list of products that match search criteria, and Manufacturing Marketplace describes guiding through a series of questions with multiple choices and after making selections, searching a product database for any matching products. Accordingly, Matchmaker$^{(SM)}$ and Manufacturing Marketplace, alone or in combination, do not teach presenting a question related to a parameter displayed in a matrix. For the reasons set forth above, Claim 14 is submitted to be patentable over MatchMaker$^{(SM)}$ in view of Manufacturing Marketplace.

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Claims 15-18 depend from independent Claim 14. When the recitations of Claims 15-18 are considered in combination with the recitations of Claim 14, Applicants submit that dependent Claims 15-18 likewise are patentable over MatchMaker(SM) in view of Manufacturing Marketplace.

Claim 19 recites a product selection assistance Internet web page including "a matrix panel comprising a product matrix displaying a plurality of products using individual product entries comprising a model identifier and at least one product configuration parameter associated with the products; and a product configuration panel displaying a product configuration question and accepting a product configuration answer, the product matrix responsively updating based on the product configuration answer to eliminate at least one product entry in the product matrix, wherein the product configuration question relates to the at least one product configuration parameter displayed in the product matrix."

Neither MatchMaker(SM) nor Manufacturing Marketplace, considered alone or in combination, describe or suggest a product selection assistance Internet web page including a matrix panel including a product matrix displaying a plurality of products using individual product entries including a model identifier and at least one product configuration parameter associated with the products, and a product configuration panel displaying a product configuration question and accepting a product configuration answer, the product matrix responsively updating based on the product configuration answer to eliminate at least one product entry in the product matrix, where the product configuration question relates to the at least one product configuration parameter displayed in the product matrix.

Moreover, neither MatchMaker(SM) nor Manufacturing Marketplace, considered alone or in combination, describe or suggest the product configuration question that relates to the at least one product configuration parameter displayed in the product matrix. Rather, MatchMaker(SM) describes seeing a product or a list of products that match search criteria, and Manufacturing

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Marketplace describes guiding through a series of questions with multiple choices and after making selections, searching a product database for any matching products. Accordingly, Matchmaker$^{(SM)}$ and Manufacturing Marketplace, alone or in combination, do not teach presenting a question related to a parameter displayed in a matrix. For the reasons set forth above, Claim 19 is submitted to be patentable over MatchMaker$^{(SM)}$ in view of Manufacturing Marketplace.

Claims 20-23 depend from independent Claim 19. When the recitations of Claims 20-23 are considered in combination with the recitations of Claim 19, Applicants submit that dependent Claims 20-23 likewise are patentable over MatchMaker$^{(SM)}$ in view of Manufacturing Marketplace.

Claim 25 recites a computer program product including "a storage medium readable by a processing circuit and storing for execution by the processing circuit instructions for receiving a product category selection; instructions for matching the product category selection against a product database to determine a plurality of matched products; instructions for displaying product matrix comprising a product entry for each of the matched products, each product entry comprising a model identifier and at least one product configuration parameter associated with the matched products; instructions for presenting a product configuration question related to the at least one product configuration parameter displayed in the product matrix; instructions for receiving a product configuration answer; and instructions for responsively updating the product matrix based on the product configuration answer to eliminate at least one product entry in the product matrix."

Neither MatchMaker$^{(SM)}$ nor Manufacturing Marketplace, considered alone or in combination, describe or suggest a computer program product including a storage medium readable by a processing circuit and storing for execution by the processing circuit instructions for receiving a product category selection, instructions for matching the product category

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selection against a product database to determine a plurality of matched products, instructions for displaying product matrix comprising a product entry for each of the matched products, each product entry including a model identifier and at least one product configuration parameter associated with the matched products, instructions for presenting a product configuration question related to the at least one product configuration parameter displayed in the product matrix, instructions for receiving a product configuration answer, and instructions for responsively updating the product matrix based on the product configuration answer to eliminate at least one product entry in the product matrix.

Moreover, neither MatchMaker[(SM)] nor Manufacturing Marketplace, considered alone or in combination, describe or suggest instructions for presenting a product configuration question related to the at least one product configuration parameter displayed in the product matrix. Rather, MatchMaker[(SM)] describes seeing a product or a list of products that match search criteria, and Manufacturing Marketplace describes guiding through a series of questions with multiple choices and after making selections, searching a product database for any matching products. Accordingly, Matchmaker[(SM)] and Manufacturing Marketplace, alone or in combination, do not teach presenting a question related to a parameter displayed in a matrix. For the reasons set forth above, Claim 25 is submitted to be patentable over MatchMaker[(SM)] in view of Manufacturing Marketplace.

Claims 26-28 depend from independent Claim 25. When the recitations of Claims 26-28 are considered in combination with the recitations of Claim 25, Applicants submit that dependent Claims 26-28 likewise are patentable over MatchMaker[(SM)] in view of Manufacturing Marketplace.

For the reasons set forth above, Applicants respectfully request that the rejection of Claims 1-3, 5-23, and 25-28 under 35 U.S.C. 103(a) be withdrawn.

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Applicants assume that Claims 30-45 are rejected as being unpatentable over MatchMaker$^{(SM)}$ in view of Manufacturing Marketplace, and further in view of Maytag.com, referred to as Maytag, Whirlpool.com, referred to as Whirlpool, Kenmore.com, referred to as Kenmore, and Frigidaire.com, referred to as Frigidaire, because the Office Action states on pages 4-5, "Examiner would like to point out that all of the features used for product-selection as recited in the claims – such as temperature, color, energy efficiency ratio, etc. – are well-known in the art of household appliances to describe air conditioners, refrigerators, washers and dryers [See webpages excised from Maytag.com, Whirlpool.com, Kenmore.com and Frigidare.com] and would have been an obvious design choice by the catalog administrator in defining the parameters of each appliance…Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store any data in the fields of the catalog – whether for a lamp, motor, air-conditioning unit or otherwise – for use in the product-finding Matchmaker$^{(SM)}$ system, as shown in Grainger, because such data does not functionally relate to the selection tool itself and merely labeling the data differently from that in the prior art would have been obvious matter of design choice."

MatchMaker$^{(SM)}$ and Manufacturing Marketplace are described above.

Whirlpool™ describes Whirlpool™ products, Kenmore™ describes Kenmore™ products, Frigidaire™ describes Frigidaire™ products, and Maytag™ describes Maytag™ products.

Applicants respectfully submit that Whirlpool, Kenmore, Frigidaire, and Maytag are improper references because publication date of the references is November 24, 2003, which is not before the filing date, January 10, 2000, of the above-referenced application. For at least this reason, Claims 30-45 are submitted to be patentable over Matchmaker, in view of Manufacturing Marketplace, and further in view of Whirlpool, Kenmore, Frigidaire, and Maytag.

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Claims 30-33 depend on independent Claim 1 which recites a method for production selection assistance, the method including "receiving a product category selection; matching the product category selection against a product database to determine a plurality of matched products; displaying a product matrix comprising a product entry for each of the matched products, each product entry comprising a model identifier and at least one product configuration parameter associated with the matched products; presenting a product configuration question relating to the at least one product configuration parameter displayed in the product matrix; receiving a product configuration answer; and responsively updating the product matrix based on the product configuration answer to eliminate at least one product entry in the product matrix."

None of MatchMaker$^{(SM)}$, Manufacturing Marketplace, Maytag, Kenmore, Whirlpool, and Frigidaire, considered alone or in combination, describe or suggest presenting a product configuration question relating to the at least one product configuration parameter displayed in the product matrix. Rather, MatchMaker$^{(SM)}$ describes seeing a product or a list of products that match search criteria, Manufacturing Marketplace describes guiding through a series of questions with multiple choices and after making selections, searching a product database for any matching products, Whirlpool describes Whirlpool products, Kenmore describes Kenmore products, Frigidaire describes Frigidaire products, and Maytag describes Maytag products. For the reasons set forth above, Claim 1 is submitted to be patentable over MatchMaker$^{(SM)}$, in view of Manufacturing Marketplace, and further in view of Maytag, Whirlpool, Kenmore, and Frigidaire.

When the recitations of Claims 30-33 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 30-33 likewise are patentable over MatchMaker$^{(SM)}$, in view of Manufacturing Marketplace, and further in view of Maytag™, Whirlpool™, Kenmore™, and Frigidaire™.

Claims 34-37 depend on Claim 14 which recites a product selection assistance tool including "a communication interface; a processing circuit coupled to the communication

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interface; and a memory coupled to the processing circuit, the memory storing, for execution by the processing circuit, instructions for receiving a product category selection over the communication interface; matching the product category selection against a product database to determine a plurality of matched products; displaying a product matrix comprising a product entry for each of the matched products, each product entry comprising a model identifier and at least one product configuration parameter associated with the matched products; presenting a product configuration question related to the at least one product configuration parameter displayed in the product matrix; receiving a product configuration answer; and responsively updating the product matrix based on the product configuration answer to eliminate at least one product entry in the product matrix."

None of MatchMaker$^{(SM)}$, Manufacturing Marketplace, Maytag, Kenmore, Whirlpool, and Frigidaire, considered alone or in combination, describe or suggest instructions for presenting a product configuration question related to the at least one product configuration parameter displayed in the product matrix. Rather, MatchMaker$^{(SM)}$ describes seeing a product or a list of products that match search criteria, and Manufacturing Marketplace describes guiding through a series of questions with multiple choices and after making selections, searching a product database for any matching products, Whirlpool describes Whirlpool products, Kenmore describes Kenmore products, Frigidaire describes Frigidaire products, and Maytag describes Maytag products. For the reasons set forth above, Claim 14 is submitted to be patentable over MatchMaker$^{(SM)}$, in view of Manufacturing Marketplace, and further in view of Maytag, Whirlpool, Kenmore, and Frigidaire.

When the recitations of Claims 34-37 are considered in combination with the recitations of Claim 14, Applicants submit that dependent Claims 34-37 likewise are patentable over MatchMaker$^{(SM)}$, in view of Manufacturing Marketplace, and further in view of Maytag, Whirlpool, Kenmore, and Frigidaire.

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Claims 38-41 depend on Claim 19 which recites a product selection assistance Internet web page including "a matrix panel comprising a product matrix displaying a plurality of products using individual product entries comprising a model identifier and at least one product configuration parameter associated with the products; and a product configuration panel displaying a product configuration question and accepting a product configuration answer, the product matrix responsively updating based on the product configuration answer to eliminate at least one product entry in the product matrix, wherein the product configuration question relates to the at least one product configuration parameter displayed in the product matrix."

None of MatchMaker[(SM)], Manufacturing Marketplace, Maytag, Kenmore, Whirlpool, and Frigidaire, considered alone or in combination, describe or suggest the product configuration question that relates to the at least one product configuration parameter displayed in the product matrix. Rather, MatchMaker[(SM)] describes seeing a product or a list of products that match search criteria, and Manufacturing Marketplace describes guiding through a series of questions with multiple choices and after making selections, searching a product database for any matching products, Whirlpool describes Whirlpool products, Kenmore describes Kenmore products, Frigidaire describes Frigidaire products, and Maytag describes Maytag products. For the reasons set forth above, Claim 19 is submitted to be patentable over MatchMaker[(SM)], in view of Manufacturing Marketplace, and further in view of Maytag, Whirlpool, Kenmore, and Frigidaire.

When the recitations of Claims 38-41 are considered in combination with the recitations of Claim 19, Applicants submit that dependent Claims 38-41 likewise are patentable over MatchMaker[(SM)], in view of Manufacturing Marketplace, and further in view of Maytag, Whirlpool, Kenmore, and Frigidaire.

Claims 42-45 depend on Claim 25 which recites a computer program product including "a storage medium readable by a processing circuit and storing for execution by the processing circuit instructions for receiving a product category selection; instructions for matching the

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product category selection against a product database to determine a plurality of matched products; instructions for displaying product matrix comprising a product entry for each of the matched products, each product entry comprising a model identifier and at least one product configuration parameter associated with the matched products; instructions for presenting a product configuration question related to the at least one product configuration parameter displayed in the product matrix; instructions for receiving a product configuration answer; and instructions for responsively updating the product matrix based on the product configuration answer to eliminate at least one product entry in the product matrix."

None of MatchMaker[SM], Manufacturing Marketplace, Maytag, Kenmore, Whirlpool, and Frigidaire, considered alone or in combination, describe or suggest instructions for presenting a product configuration question related to the at least one product configuration parameter displayed in the product matrix. Rather, MatchMaker[SM] describes seeing a product or a list of products that match search criteria, and Manufacturing Marketplace describes guiding through a series of questions with multiple choices and after making selections, searching a product database for any matching products, Whirlpool describes Whirlpool products, Kenmore describes Kenmore products, Frigidaire describes Frigidaire products, and Maytag describes Maytag products. For the reasons set forth above, Claim 25 is submitted to be patentable over Manufacturing Marketplace, and further in view of Maytag, Whirlpool, Kenmore, and Frigidaire.

Claims 42-45 depend from independent Claim 25. When the recitations of Claims 42-45 are considered in combination with the recitations of Claim 25, Applicants submit that dependent Claims 42-45 likewise are patentable over Manufacturing Marketplace, and further in view of Maytag, Whirlpool, Kenmore, and Frigidaire.

For the reasons set forth above, Applicants respectfully request that the rejection of Claims 30-45 under 35 U.S.C. 103(a) be withdrawn.

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The rejection of Claims 4, 24, and 29 under 35 U.S.C. § 103(a) as being unpatentable over Matchmaker[SM] in view of product finding service offered by Diane Trommer, "Raychem intros sourcing site", referred to as Raychem, in view of official notice regarding e-commerce website design, referred to as Website design official notice, is respectfully traversed.

Matchmaker[SM] is described above. Raychem describes a system that tells users how many products Raychem has that match specified criteria (page 1). Users can then click on the "compare products" link, which shows information on each of the identified products (page 1).

Claim 4 depends from Claim 1 which recites a method for production selection assistance, the method including "receiving a product category selection; matching the product category selection against a product database to determine a plurality of matched products; displaying a product matrix comprising a product entry for each of the matched products, each product entry comprising a model identifier and at least one product configuration parameter associated with the matched products; presenting a product configuration question relating to the at least one product configuration parameter displayed in the product matrix; receiving a product configuration answer; and responsively updating the product matrix based on the product configuration answer to eliminate at least one product entry in the product matrix."

None of Matchmaker[SM], Raychem, or the Website design official notice, considered alone or in combination, describe or suggest a method for production selection assistance, the method including receiving a product category selection, matching the product category selection against a product database to determine a plurality of matched products, displaying a product matrix including a product entry for each of the matched products, each product entry including a model identifier and at least one product configuration parameter associated with the matched products, presenting a product configuration question relating to the at least one product configuration parameter displayed in the product matrix, receiving a product configuration

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answer, and responsively updating the product matrix based on the product configuration answer to eliminate at least one product entry in the product matrix.

Moreover, none of Matchmaker$^{(SM)}$, Raychem, or the Website design official notice, considered alone or in combination, describe or suggest presenting a product configuration question relating to the at least one product configuration parameter displayed in the product matrix. Rather, MatchMaker$^{(SM)}$ describes seeing a product or a list of products that match search criteria, and Raychem describes clicking on the "compare products" link, which shows information on each of the identified products. For the reasons set forth above, Claim 1 is submitted to be patentable over Matchmaker$^{(SM)}$ in view of Raychem and further in view of the Website design official notice.

When the recitations of Claim 4 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 4 likewise is patentable over Matchmaker$^{(SM)}$ in view of Raychem and further in view of the Website design official notice.

Claim 24 depends from Claim 19 which recites a product selection assistance Internet web page including "a matrix panel comprising a product matrix displaying a plurality of products using individual product entries comprising a model identifier and at least one product configuration parameter associated with the products; and a product configuration panel displaying a product configuration question and accepting a product configuration answer, the product matrix responsively updating based on the product configuration answer to eliminate at least one product entry in the product matrix, wherein the product configuration question relates to the at least one product configuration parameter displayed in the product matrix."

None of Matchmaker$^{(SM)}$, Raychem, or the Website design official notice, considered alone or in combination, describe or suggest a product selection assistance Internet web page including a matrix panel including a product matrix displaying a plurality of products using individual product entries including a model identifier and at least one product configuration

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parameter associated with the products, and a product configuration panel displaying a product configuration question and accepting a product configuration answer, the product matrix responsively updating based on the product configuration answer to eliminate at least one product entry in the product matrix, where the product configuration question relates to the at least one product configuration parameter displayed in the product matrix.

Moreover, none of Matchmaker$^{(SM)}$, Raychem, or the Website design official notice, considered alone or in combination, describe or suggest the product configuration question that relates to the at least one product configuration parameter displayed in the product matrix. Rather, MatchMaker$^{(SM)}$ describes seeing a product or a list of products that match search criteria, and Raychem describes clicking on the "compare products" link, which shows information on each of the identified products. For the reasons set forth above, Claim 19 is submitted to be patentable over Matchmaker$^{(SM)}$ in view of Raychem and further in view of the Website design official notice.

When the recitations of Claim 24 are considered in combination with the recitations of Claim 19, Applicants submit that dependent Claim 24 likewise is patentable over Matchmaker$^{(SM)}$ in view of Raychem and further in view of the Website design official notice.

Claim 29 depends from Claim 25 which recites a computer program product including "a storage medium readable by a processing circuit and storing for execution by the processing circuit instructions for receiving a product category selection; instructions for matching the product category selection against a product database to determine a plurality of matched products; instructions for displaying product matrix comprising a product entry for each of the matched products, each product entry comprising a model identifier and at least one product configuration parameter associated with the matched products; instructions for presenting a product configuration question related to the at least one product configuration parameter displayed in the product matrix; instructions for receiving a product configuration answer; and

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instructions for responsively updating the product matrix based on the product configuration answer to eliminate at least one product entry in the product matrix."

None of Matchmaker[SM], Raychem, or the Website design official notice, considered alone or in combination, describe or suggest a computer program product including a storage medium readable by a processing circuit and storing for execution by the processing circuit instructions for receiving a product category selection, instructions for matching the product category selection against a product database to determine a plurality of matched products, instructions for displaying product matrix comprising a product entry for each of the matched products, each product entry including a model identifier and at least one product configuration parameter associated with the matched products, instructions for presenting a product configuration question related to the at least one product configuration parameter displayed in the product matrix, instructions for receiving a product configuration answer, and instructions for responsively updating the product matrix based on the product configuration answer to eliminate at least one product entry in the product matrix.

Moreover, none of Matchmaker[SM], Raychem, or the Website design official notice, considered alone or in combination, describe or suggest instructions for presenting a product configuration question related to the at least one product configuration parameter displayed in the product matrix. Rather, MatchMaker[SM] describes seeing a product or a list of products that match search criteria, and Raychem describes clicking on the "compare products" link, which shows information on each of the identified products. For the reasons set forth above, Claim 25 is submitted to be patentable over Matchmaker[SM] in view of Raychem and further in view of the Website design official notice.

When the recitations of Claim 29 are considered in combination with the recitations of Claim 25, Applicants submit that dependent Claim 29 likewise is patentable over Matchmaker[SM] in view of Raychem and further in view of the Website design official notice.

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9D-EC-19337
PATENT

For the reasons set forth above, Applicants respectfully request that the rejection of Claims 4, 24, and 29 under 35 U.S.C. 103(a) be withdrawn.

Moreover, Applicants respectfully submit that the Section 103 rejections of Claims 1-3, 5-23, and 25-28, Claims 30-45, and Claims 4, 24, and 29 are not proper rejections. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combinations. None of Matchmaker[(SM)], Manufacturing Marketplace, Raychem, the Website design official notice, Whirlpool, Kenmore, Frigidaire, and Maytag, considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Matchmaker[(SM)] with Manufacturing Marketplace, Raychem, the Website design official notice, Whirlpool, Kenmore, Frigidaire, or Maytag because there is no motivation to combine the references suggested in the art.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is

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impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, MatchMaker[SM] teaches seeing a product or a list of products that match search criteria, Manufacturing Marketplace teaches guiding through a series of questions with multiple choices and after making selections, searching a product database for any matching products, Raychem teaches clicking on the "compare products" link, which shows information on each of the identified products, Whirlpool teaches Whirlpool products, Kenmore teaches Kenmore products, Frigidaire teaches Frigidaire products, and Maytag teaches Maytag products. Since there is no teaching nor suggestion in the cited art for the combinations, the Section 103 rejections appear to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such combinations are impermissible, and for this reason alone, Applicants request that the Section 103 rejections of Claims 1-3, 5-23, and 25-28, Claims 30-45, and Claims 4, 24, and 29 be withdrawn.
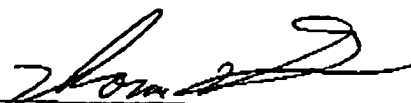
For the reasons set forth above, Applicants respectfully request that the rejections of Claims 1-3, 5-23, and 25-28, Claims 30-45, and Claims 4, 24, and 29 under 35 U.S.C. 103(a) be withdrawn.

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PATENT

In view of the foregoing remarks, this application is believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

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